



STEVEN L. BESHEAR  
GOVERNOR

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601-1190  
[www.kentucky.gov](http://www.kentucky.gov)

LEONARD K. PETERS  
SECRETARY

May 4, 2010

Ryan Bivens  
4109 Sonora Road  
Hodgenville, Kentucky 42748

Re: Construction Permit  
Heartland Family Farms  
AI ID: 105551  
Activity ID: APE20090001  
Larue County, Kentucky

Dear Mr. Bivens:

Enclosed is a construction permit for your operation. The construction permit authorizes construction/installation of your animal waste handling system. Please take specific note of the following requirements of the enclosed construction permit:

- Construction of this system must be started within one (1) year of the approval date of the construction permit. If construction is not started within a year and it is your intention to install the system, you must request an extension of the permit prior to the expiration date.
- After the construction of this system is completed, within thirty (30) days you must submit a written certification to the Division of Water that the facility has been constructed in accordance with the approved plans, specifications, and approval conditions.

In addition, the provisions of your permit are established to protect human health and the environment. These requirements have been established to protect you and your family, as well as your neighbors. **You may be subject to enforcement action, including fines, if you fail to comply with these requirements.**

If you have any questions regarding this permit, please contact Ronnie Thompson, of the Operational Permits Section, at (502) 564-8158, extension 4925.

Sincerely,

For: Sandra L. Gruzesky, Director  
Division of Water

SLG:JMB:rt

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER

TO: Mr. Ryan Bivens

ADDRESS: 4109 Sonora Road, Hodgenville, KY 42776

Pursuant to your application submitted to this office on September 15, 2009, together with engineering plans, specifications, and other supporting data, the Cabinet authorizes the issuance of this

**CONSTRUCTION PERMIT**

Therefore, by authority of Kentucky Revised Statutes Chapter 224, you are authorized to construct an animal wastes handling system at:

Heartland Family Farms, 3006 Munfordville Road, Sonora  
(Name of Facility, Location, City)

Larue  
(County)

in accordance with the plans, specifications, and other information submitted in your application. The permittee is subject to the following condition:

Dairy Cow Waste Receptor Pits, Digester, Separator and Holding Ponds - (4,000  
dairy cow maximum)

**SEE FOLLOWING ADDITIONAL CONDITIONS**

Unless construction on the works specified herein is begun on or before the \_\_\_\_ day of \_\_\_\_, this Construction Permit shall be null and void, and a new permit will be required before construction may begin. A single twelve (12) month extension to begin construction may be granted provided site conditions have not changed.

Issued this \_\_\_\_ day of \_\_\_\_

For: Sandra L. Gruzesky, Director  
Division of Water

SLG:JMB:rt

## ADDITIONAL CONDITIONS

Subject to the conditions herein and subject to the permittee fully complying with the requirements set out below:

1. There shall not be deviations from the plans and specifications submitted with the application or the conditions specified in this permit unless authorized by the Cabinet in writing. All rights of inspection by representatives of the Division of Water are reserved. Responsibility for satisfactory operation to prevent pollution of water of the commonwealth must be borne by the permittee.
2. The system shall be operated as a no stream discharge system.
3. Land shall be made available to spread excess wastewater should the animal waste handling system reach the point of overflowing.
4. Division ditches shall be constructed around the animal waste handling system if necessary to divert uncontaminated runoff water from entering the animal waste handling system.
5. The permittee shall submit a certification from the engineer that the facility was constructed in conformity with the plans and specifications approved by the Cabinet within 30 days from the completion of construction. The permittee shall certify the completion for a project not designed by an engineer.
6. Vegetation around the animal waste handling system shall be mowed periodically to provide insect and rodent control.
7. Fencing and/or other adequate protection shall be installed around the animal waste handling system.
8. The issuance of a permit by the Cabinet shall not convey property rights of any kind or any exclusive privilege.
9. This construction permit may be used as an interim operational permit until an operational permit is issued or denied.
10. This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by the Energy and Environment Cabinet and other state, federal and local agencies.

## FACILITY REQUIREMENTS

### Siting Criteria

The following siting criteria shall apply to all new barns and lagoons.

| SETBACK FEATURE <sup>(3)</sup>  | BARN OR LAGOON |
|---|----------------|
| Dwelling not owned by applicant, church, school, schoolyard, business, other structure to which the general public has access, park <sup>(4)</sup>                      | 1,500 feet     |
| Incorporated city limit <sup>(4)</sup>  | 3,000 feet     |
| Lake, river, blue-line stream, karst feature  | 150 feet       |
| Water well not owned by applicant <sup>(4)</sup>  | 300 feet       |
| Downstream <sup>(1)</sup> water listed in 401 KAR 5:030 as exceptional water or outstanding national resource water; or outstanding state resource water <sup>(2)</sup> | 1 mile         |
| Downstream <sup>(1)</sup> public water supply surface water intake  | 5 miles        |
| Roadways, primary (state and federal) <sup>(4)</sup>  | 150 feet       |
| Roadways, secondary (county)  | 150 feet       |

<sup>(1)</sup> Measured along gradient.

<sup>(2)</sup> Designated outstanding state resource waters are listed in 401 KAR 5:026.

<sup>(3)</sup> Measured from the edge of the barn, lagoon, or land application area to the nearest edge of the setback feature.

<sup>(4)</sup> Existing at the time the construction permit is issued.

A new barn or lagoon shall not be located in:

1. A state or national park or forest or nature preserve.
2. A wellhead protection area approved by the Cabinet, pursuant to 401 KAR 4:220.
3. A 100-year floodplain, unless permitted pursuant to 401 KAR 4:060.
4. A jurisdictional wetland as determined by the Natural Resources Conservation Service (NRCS).
5. A sinkhole or other enclosed depression where subsidence is evident.